

SECTION 1: NOISE CONTROL RESOLUTION

To further the health, safety and welfare of the citizens of Rutherford County, the requirements contained in Section 1 of this resolution shall be hereinafter referred to as the Rutherford County Noise Control Procedures.

1.1: DEFINITIONS

For the purpose of this resolution, the following terms, phrases, words, and their derivation shall have the meaning given herein:

- a. Enforcement Authority – The Director of Building Codes for the County of Rutherford, Tennessee, or his duly authorized representative or persons designated by the County Mayor who are charged with the enforcement of this resolution.
- b. Owner – Owner is deemed to mean and include a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not, or occupants of property.
- c. Major Subdivision – Four (4) lots or more as defined in the Subdivision regulations of Rutherford County.

1.2: VIOLATION DETERMINED: NOTICE GIVEN

When it is determined by the enforcing authority that any owner of record of real property or occupants of property has created loud and raucous noise which because of volume level or duration disturbs or endangers the comfort, health, peace or safety of neighboring residents, the enforcing authority shall provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail, addressed to the last known address of the owner or occupant of record. The notice shall state that the owner of the property is entitled to a hearing. The notice shall include but not be limited to the following elements:

- a. A brief statement of the law which shall contain the consequences of failing to remedy the noted condition.
- b. The person, office, address and telephone number of the department giving the notice.
- c. A place wherein the notified party may return a copy of the notice indicating the desire for an administrative hearing.

1.3: FAILURE TO COMPLY

If a person fails or refuses to remedy the condition immediately after receiving written notice, the enforcing officer may cite property owner or occupant to court.

1.4: MAJOR SUBDIVISIONS

In major subdivisions, it is unlawful to engage in noise producing activities. A non-exclusive listing of activities which could cause a violation includes:

- a. The firing or discharge of firearms except by police officer or permitted variance by law.
- b. Operation of radios, televisions, live band or other sound reproduction devices in continuance, excessive and unreasonable volume levels.
- c. Operation of any motor vehicle, go carts, mini bike, motor bike, all terrain vehicles, dirt bike or other combustion engine in an unreasonably loud, raucous, frequent, repetitive or continuous nuisance.
- d. The keeping of animal, bird or fowl including domestic or agricultural that causes frequent, loud and continued noise.

1.5: OTHER THAN MAJOR SUBDIVISIONS

On property located outside a major subdivision, it is unlawful to engage in noise producing activities while in parks and recreational areas, school zones, medical areas or other public areas.

1.6: LIMITING NOISE LEVELS

The measurement of sound or noise shall be made at the property line of the property on which such noise is generated at five (5) feet above ground with a sound level meter.

Octave band

Center frequency

Cycles per second

Maximum permissible sound pressure

Below 75	65
75-150	60
150-300	55
300-600	55
600-1200	45
1200-2400	45
2400-4800	40
Above 4800	40

SECTION 2: EXEMPTIONS

Sounds exempt from this resolution include:

- a. Emergency vehicles, safety signals, warning devices and church bells.
- b. Emergency work for utilities and storm damage.
- c. Lawn maintenance equipment or agricultural equipment.

SECTION 3: VARIANCES AND MODIFICATIONS

The Board of Zoning Appeals may vary the application of any provision of this amendment to any particular case when, in their opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this resolution or public interest. Nothing in this section shall authorize actions or inaction in conflict with applicable State law.

SECTION 4: VIOLATIONS AND PENALTIES

Violation or failure to comply with this resolution is considered unlawful and subject to a fine not to exceed fifty (50) dollars. Each day such a violation is permitted to exist shall constitute a separate offense. Nothing in this section shall preclude the County from any and all other legal remedies available.

SECTION 5: CONFLICT WITH OTHER RESOLUTIONS

In case of conflict between this resolution or any part hereof, and the whole or part of any existing or future resolutions of the County, the most restrictive provision shall in all cases apply.

SECTION 6: SEVERABILITY

In any section, clause, provision, or portion of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, it shall not affect any other section, clause, provision, or portion of this resolution, which is not of itself invalid or unconstitutional.

SECTION 7: EXERCISE OF POLICE POWER

The entire resolution shall be deemed and construed to be an exercise of the police power of the County of Rutherford for the preservation and protection of the public health, safety and general welfare and all of its provisions shall be liberally construed to affect its purpose.

SECTION 8: EFFECTIVE DATE

This resolution shall take effect and be in force after its passage and publication in a newspaper of general circulation in the County of Rutherford, the public welfare demanding it.